

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No. 07 CR 747
)
) Judge David H. Coar
JERROD SANDERS)

NOTICE OF FILING

TO: Julie B. Ruder
Assistant United States Attorney
219 S. Dearborn St., 5th Floor
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Please take notice that on this 26th day of August, 2008, the undersigned filed the following document(s) in the above-captioned cause, a copy of which is attached hereto.

– DEFENDANT’S PROPOSED JURY INSTRUCTIONS

Respectfully submitted,

FEDERAL DEFENDER PROGRAM
Terrence F. MacCarthy
Executive Director

By: s/Daniel J. Hesler
Daniel J. Hesler

By: s/Imani Chiphe
Imani Chiphe

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No. 07 CR 747
v.)
) Judge David H. Coar
JERROD SANDERS)

DEFENDANT'S PROPOSED JURY INSTRUCTIONS

Defendant, JERROD SANDERS, by the Federal Defender Program and its attorneys
IMANI CHIPHE and DANIEL HESLER, respectfully submits the following proposed jury
instructions.

Respectfully submitted,
FEDERAL DEFENDER PROGRAM
Terence F. MacCarthy,
Executive Director

By: s/Daniel J. Hesler
Daniel J. Hesler

DANIEL J. HESLER
IMANI CHIPHE
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DEFENDANT JERROD SANDERS' INSTRUCTION NO. 1

The defendant is presumed to be innocent of the charge. This presumption continues during every stage of the trial and your deliberations on the verdict. It is not overcome unless and until, from all the evidence in the case, you are convinced beyond a reasonable doubt that the defendant is guilty as charged. The government has the burden of proving the guilt of the defendant beyond a reasonable doubt. If the government fails to meet this burden, you must find the defendant not guilty.

The burden of proof stays with the government throughout the case. The defendant is never required to prove his innocence or to produce any evidence at all.

AUTHORITY:

Seventh Circuit Committee (1999) 2.03 (modified)
United States v. Jones, 03 CR 464 (Gottschall, J.)

DEFENDANT JERROD SANDERS' INSTRUCTION NO. 2

To sustain the charge of unlawful possession of a firearm by a convicted felon as charged in the indictment, the government must prove the following propositions beyond a reasonable doubt:

First, that prior to on or about July 14, 2007, the defendant had been convicted of a crime that was punishable by a term of imprisonment of more than one year:

Second , that on or about July 14, 2007, the defendant knowingly possessed a firearm;
and

Third, that the defendant's possession of the firearm had some effect on interstate commerce, however slight.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt, then you must find the defendant guilty.

If, on the other hand, you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, then you must find the defendant not guilty.

AUTHORITY:

Seventh Circuit pattern instruction 4.01 (modified); 18 U.S.C. §922(g);

United States Constitution, Article I, Section 8 (Commerce Clause)

DEFENDANT JERROD SANDERS' INSTRUCTION NO. 3

A person's possession of a firearm can be considered to affect interstate commerce if the person transports the firearm across state lines, buys, sells, or barter the firearm in interstate commerce, or employs the firearm in a commercial activity, whether legal or illegal. It is not sufficient to that the firearm merely have traveled in interstate commerce at some point prior to the person's possession of the firearm.

AUTHORITY:

United States Constitution, Article I, Section 8 (Commerce Clause)

CERTIFICATE OF SERVICE

The undersigned, Daniel J. Hesler , an attorney with the Federal Defender Program hereby certifies that in accordance with FED.R.CRIM. P. 49, FED. R. CIV. P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

DEFENDANT'S PROPOSED JURY INSTRUCTIONS

was served pursuant to the district court's ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on August 26 , 2008, to counsel/parties that are non-ECF filers:

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